

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

LAURA LASCOLA, Individually, and
as Sole Heir and Next of Kin of
NORMA DALE MASSA, deceased

PLAINTIFF

VS.

CIVIL ACTION NUMBER
2:06-CV-00080-WAP-SAA

BARDEN MISSISSIPPI GAMING, LLC,
d/b/a/ FITZGERALD'S CASINO HOTEL-TUNICA;
TUNICA COUNTY MISSISSIPPI;
TUNICA COUNTY SHERIFF'S DEPARTMENT,
a division of Tunica County, Mississippi;
K.C. HAMP, Individually, and in his capacity
as Sheriff of Tunica County; Sheriff's Deputy Katie Johnson,
Individually and in her capacity as Tunica County, Mississippi
Sheriff's deputy; and JANE DOE, unknown Tunica
County Sheriff's Deputy, Agent or Employee

DEFENDANTS

ORDER

Defendant Barden has filed a motion [Docket No. 405] for Sanctions and To Enforce Court Order. Plaintiff responded to the motion by stating that the requested discovery has been provided to defendant. Therefore, the motion to enforce the court order is **MOOT**.

Throughout the course of this case, the court has repeatedly addressed motions for sanctions, filed by both the plaintiff and by different defendants. In this instance defendant Barden Mississippi Gaming LLC seeks sanctions and attorney's fees for plaintiff's failure to comply with discovery orders under FED R. CIV. P. 37. In previous orders in this matter, the court has discussed the legal standard for ordering sanctions in accordance with FED. R. CIV. P. 37(b)(2) and refers the parties to those discussions. In light of the record and the parties' past behavior before this court, the court finds that the award of sanctions would be unjust.

Accordingly, it is ORDERED

That defendant's motion for sanctions is **DENIED**.

THIS, the 16^h day of June, 2008.

____/s/ S. ALLANALEXANDER_____
S. ALLAN ALEXANDER
U.S. MAGISTRATE JUDGE